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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hopmann, et al.

Examiner: OH, Taylor V.

Application No.: 10/676,715

Art Unit: 1625

Filed: October 1, 2003

TELEFAX CERTIFICATE

Title: **Hydroxyphenylundecane Derivatives, A  
Process For Their Production And Their  
Use**I hereby certify that this correspondence is  
being transmitted via facsimile to the  
Commissioner for Patents, Alexandria, VA  
22313, on

December 15, 2005

Date of Transmission

Brian R. J. Hoff Brian R. J. Hoff  
SignatureCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

DEPOSIT DECLARATION UNDER 37 C.F.R. § 1.801 et seq.

I, the undersigned, do hereby declare:

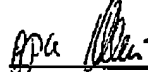
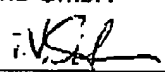
1. I am a citizen of Germany.
2. The above-identified patent application has been assigned to Aventis Pharma Deutschland GmbH.
3. Sanofi-Aventis Deutschland GmbH is the legal successor of Aventis Pharma Deutschland GmbH by virtue of a change of name with effect of September 1, 2005.
4. I am authorized to act on behalf of Sanofi-Aventis Deutschland GmbH.
5. On information and belief, an isolate of microorganism Cryphonectria parasitica, ST002447 (DSM 14453) was deposited on August 29, 2001, at the Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH (DSMZ), Mascheroder

Weg 1b, D-38124 Braunschweig, Germany, under the provisions of the Budapest Treaty.

6. On information and belief, and as indicated in Form DSMZ-BP/4, from DSMZ, *Cryphonectria parasitica*, ST002447 has been assigned the Patent Collection accession number No. DSM 14453.
7. On information and belief, the DSMZ has acquired the status of International Depository Authority within the meaning of the Budapest Treaty on the International Recognition on the Deposit of Microorganisms for the Purposes of the Patent Procedure.
8. On information and belief, all restrictions on the availability to the public of the deposited culture Patent Collection accession number DSM 14453 will be irrevocably removed no later than the granting of a U.S. Patent from the above-identified application.
9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title of 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued there from.

for and on behalf on

Sanofi-Aventis Deutschland GmbH

	
Dr. Elmar-Michael Wein	Dr. Frank Sieber
Director	Patent Manager
Patent Dep.	Patent Dep.

Date: 29.9.05


Encl.: Receipt of deposit of microorganism DSM 14453 issued by DSMZ (Form DSMZ-BP/4) dated August 29, 2001 (1 page)

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

## INTERNATIONAL FORM

Aventis Pharma  
Deutschland GmbH  
65926 Frankfurt/Main

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: ST002447	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM 14453
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by:  <input type="checkbox"/> a scientific description <input checked="" type="checkbox"/> a proposed taxonomic designation  (Mark with a cross where applicable).	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 2001-08-03 (Date of the original deposit) <sup>1</sup> .	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I above was received by this International Depositary Authority on (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH  Address: Mascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):   Date: 2001-08-29

<sup>1</sup> Where Rule 6.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.